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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
NORTHWESTERN INDIANA )  
TELEPHONE COMPANY, INC. )  
)  
Petition for Limited Waiver of the )  
Federal Communications Commission's Rules )  
Concerning Administration of the North )  
American Numbering Plan )  
Carrier Identification Codes (CICs) )

File No. \_\_\_\_\_

CC Docket 92-237

To: Common Carrier Bureau

**PETITION FOR LIMITED WAIVER**

Northwestern Indiana Telephone Company, Inc. ("Petitioner"), by its attorney, respectfully requests a limited waiver of the January 1, 1998 deadline for switch changes to recognize four digit Carrier Identification Codes ("CICs") and attendant customer education requirements established in the above-captioned proceeding. Petitioner requests additional time to comply with the requirement that a carrier have four digit CIC capability. Petitioner is a small local exchange carrier which provides equal access. Petitioner upgrades switch hardware and reprograms operating systems software as needed, to the extent that the switch manufacturer is able to accommodate Petitioner's requests.

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As demonstrated herein, good cause exists for this waiver<sup>1/</sup> because, through no fault of Petitioner, it is technically and economically infeasible for Petitioner to comply with the January 1, 1998 deadline for conversion to the four digit CIC capability. Accordingly, Petitioner requests an extension of time to implement four digit CIC capability.

### **Background and Facts**

On April 11, 1997, the Federal Communications Commission adopted its *Second Report and Order, In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), Petition for Rulemaking of VarTec Telecom, Inc.* CC Docket No. 92-237, FCC 97-125 released April 11, 1997 ("Second Report & Order"), which set a January 1, 1998 deadline for all carriers to transition switch software to recognize four digit Feature Group D CICs. This Second Report & Order shortened the anticipated deadline from the year 2000 to January 1998.<sup>2/</sup>

In April 1997 as soon as the Second Report & Order was released, Petitioner made efforts to assess what steps it needed to take to meet the January 1, 1998 deadline. Petitioner determined

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<sup>1/</sup> "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>2/</sup> *Second Report & Order* at para 4. The deadline had previously been extended from 1995 to 2000, so Petitioner had anticipated a six year transition period.

that in order for it to be able to have four digit CIC capability, it would have to upgrade, if possible, the existing operating systems software (and purchase additional equipment) for its Alcatel E-10-5 switches, so that the switches can support the four digit CICs.

Petitioner serves five exchanges, and a total of approximately 10,000 access lines, in Hebron, Demotte, Lake of the Four Seasons, Mt. Ayr and Roselawn, Indiana. The exchanges are currently served by the Alcatel switches, which do not have four digit CIC capability. Petitioner's requests for upgrades have now been answered by Alcatel, which notified Petitioner that its switches will not be upgraded. Alcatel confirmed to Petitioner that Alcatel is no longer offering support for Petitioner's switching equipment and software.

Petitioner has made the necessary arrangements to purchase a new switch with the operating system software necessary to accept four digit CICs. Petitioner presently plans to install new Siemens Stromberg EWSD switches to replace the Alcatel switches. The choice is an economical one for the telephone company. However, installation will not be accomplished by the January 1, 1998 deadline.

Petitioner has explored alternatives such as the purchase of new switch equipment from other manufacturers, but none can guarantee installation by January 1, 1998. Petitioner therefore desires to purchase the Siemens Stromberg EWSD switches, and estimates that it may take up to six months to complete installation.

#### **Request for Waiver**

Petitioner requests a limited waiver of the January 1, 1998 deadline to transition to four digit CICs so that it has the time it needs to receive and install Siemens Stromberg EWSD

switches and software. Under the circumstances, it is technically infeasible for Petitioner to comply with the January 1, 1998 deadline to transition to four digit CICs.

The Commission has previously recognized the technical (and economic) burden on small and rural LECs of implementing switch upgrades. In its December 10, 1995 Caller ID Order, the Commission issued a stay of its per call block and unblocking requirements in response to waiver petitions from several LECs, including small rural LECs, that claimed that providing blocking and unblocking was technically and economically infeasible.<sup>3/</sup> Waiving Petitioner's requirement to meet the January 1, 1998 CIC compliance deadline will benefit its customers, in that a technically and economically feasible transition plan is already in motion. Petitioner will provide to customers four digit CIC recognition in the most efficient manner available to it.

Therefore, Petitioner submits that grant of a waiver of the transition deadline in this instance will benefit the public interest.

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<sup>3/</sup> *Order and Fourth Notice of Proposed Rulemaking*, 10 FCC Rcd 13796, 13808 (1995).

**Conclusion**

For the reasons explained, Petitioner requests a limited waiver of the January 1, 1998 deadline for implementation four digit CICs. Petitioner requests that a limited waiver be granted and an extension given until June 30, 1998. The public interest benefit in this case equals or exceeds that which the Commission has found in other instances to be sufficient for waiver.<sup>4/</sup> Accordingly, Petitioner requests that a waiver and extension be granted as proposed.

Respectfully submitted,

**NORTHWESTERN INDIANA  
TELEPHONE COMPANY, INC.**

By: Pamela L. Gist  
Pamela L. Gist  
Its Attorney

December 15, 1997  
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<sup>4/</sup> See, Clarks Telecommunications Co., et al., DA 97-2528, released December 13, 1997, wherein small local exchange carriers who demonstrated a public interest benefit were granted limited waivers extending the switch conversion deadline for four-digit CIC capability until June 30, 1998.

**DECLARATION**

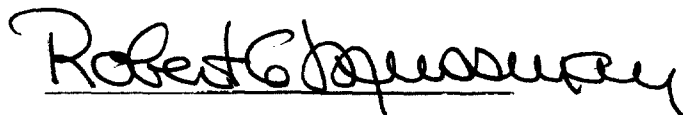
I, Robert G. Mussman, hereby state and declare:

1. I am President of Northwestern Indiana Telephone Company, a local exchange carrier headquartered in Hebron, Indiana.

2. I am familiar with the facts contained in the foregoing Petition For Limited Waiver, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts which are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11<sup>th</sup> day of December, 1997.



Robert G. Mussman, President  
Northwestern Indiana Telephone Company

## CERTIFICATE OF SERVICE

I, Michael D. Hunter, of Lukas, McGowan, Nace & Gutierrez, Chartered, hereby certify that on this 15th day of December, 1997, a copy of the attached "Petition for Limited Waiver" was hand delivered to the parties listed below:



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